

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
DANVILLE DIVISION

DAVID L. HAMM, )  
Plaintiff, )  
v. )  
CAROLYN W. COLVIN, )  
Commissioner of Social Security, )  
Defendant. )  
Case No.: 4:13-cv-00059  
**ORDER**  
By: Hon. Jackson L. Kiser  
Senior United States District Judge

Before me is the *Report and Recommendation* of the United States Magistrate Judge recommending that I enter an Order granting in part Plaintiff's Motion for Summary Judgment [ECF No. 13], denying the Commissioner's Motion for Summary Judgment [ECF No. 18], and remanding this case to the Commissioner pursuant to sentence six of 42 U.S.C. § 405(g). This *Report* was filed on December 23, 2014, from which date the parties had fourteen (14) days to file objections. No objections were filed. Accordingly, it is **ORDERED** and **ADJUDGED** that the *Report and Recommendation* shall be, and hereby is, **ADOPTED** in its entirety. Plaintiff's Motion for Summary Judgment is **GRANTED IN PART**, the Commissioner's Motion for Summary Judgment is **DENIED**, and this case is hereby **REMANDED** to the Commissioner for further proceedings, pursuant to sentence six of 42 U.S.C. § 405(g). The Court will retain jurisdiction over this case during the pendency of the Commissioner's review. See 42 U.S.C. § 405(g) ("[T]he Secretary shall, after the case is remanded, and after hearing such additional evidence if so ordered, modify or affirm his findings of fact or his decision, or both, and shall file with the court any such additional and modified findings of fact and decision, and a transcript of the additional record and testimony upon which his action in modifying or affirming was based.").

The Clerk is directed to send a copy of this Order to all counsel of record as well as to  
Magistrate Judge Hoppe.

ENTERED this 16<sup>th</sup> day of January, 2015.

s/Jackson L. Kiser

SENIOR UNITED STATES DISTRICT JUDGE